

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

**IN RE: TESTOSTERONE REPLACEMENT
THERAPY PRODUCTS LIABILITY LITIGATION**

THIS DOCUMENT RELATES TO:

ALL CASES IN WHICH AUXILIUM IS A DEFENDANT

**Case No. 1:14-cv-1748
MDL No. 2545
Hon. Matthew F. Kennelly**

**DECLARATION OF ANDREW K. SOLOW IN SUPPORT OF DEFENDANT AUXILIUM
PHARMACEUTICALS, INC.'S BRIEF IN OPPOSITION OF PLAINTIFFS' STEERING
COMMITTEE'S MOTION TO COMPEL PRIVILEGE LOG INFORMATION**

1. I am a partner with Kaye Scholer LLP, counsel for Auxilium Pharmaceuticals, Inc.
("Auxilium") in this Testosterone Replacement Therapy Products Liability Litigation
(MDL No. 2545).
2. This declaration is submitted on behalf of the Defendant in support of its brief in
opposition of Plaintiffs' Steering Committee's motion to compel privilege log
information.
3. As described below, the following exhibits are all true and correct copies of the
respective document:

Exhibit	Description
1	Exhibit to May 12, 2009 Consultant Agreement between Auxilium and Heartbeat, dated January 17, 2012; bearing Bates numbers HEARTBEATS-MDL2545-00015953-65
2	Exhibit to May 12, 2009 Consultant Agreement between Auxilium and Heartbeat, dated November 23, 2011; bearing Bates numbers HEARTBEATS-MDL2545-00017282-88
3	Emails between Auxilium and Heartbeat employees regarding the Testim Statement of Work, dated April 29, 2009; bearing Bates numbers HEARTBEATS-MDL2545-00023291-93
4	Statement of Work between Auxilium and Heartbeat for the 2011 Testim DTC Campaign; bearing Bates numbers HEARTBEATS-MDL2545-00017973-77

Exhibit	Description
5	Emails between Auxilium and Heartbeat employees regarding the launch of AndroGel, dated April 29, 2011 and May 2, 2011; bearing Bates numbers HEARTBEATS-MDL2545-00022433-34
6	Emails between Heartbeat employees regarding the Testim DTC campaign, dated February 16, 2011 and February 18, 2011; bearing Bates numbers HEARTBEATS-MDL2545-00000046-47
7	Exhibit to May 12, 2009 Consultant Agreement between Auxilium and Heartbeat, dated November 23, 2011; bearing Bates numbers HEARTBEATS-MDL2545-00017476-98
8	Chart of Heartbeat's ongoing and future Auxilium projects; bearing Bates numbers HEARTBEATS-MDL2545-00022580-92
9	Emails between Auxilium and Heartbeat employees regarding the Promotional Review Committee, dated September 1, 2010 and September 2, 2010; bearing Bates numbers HEARTBEATS-MDL2545-00004186-88
10	Emails between Auxilium and Heartbeat regarding Testim Adcopy, dated March 7, 2012; March 9, 2012; and March 12, 2012; bearing Bates numbers HEARTBEATS-MDL2545-00005516-22
11	Chart of Heartbeat's ongoing and future Auxilium projects; bearing Bates numbers HEARTBEATS-MDL2545-00022785-91
12	Emails between Auxilium and Heartbeat employees summarizing a Testim creative meeting, dated April 19, 2011; bearing Bates numbers HEARTBEATS-MDL2545-00002220-23
13	Email between Auxilium and Heartbeat employees summarizing a Testim creative meeting, dated July 6, 2011; bearing Bates numbers HEARTBEATS-MDL-2545-00022213-15
14	Emails between Auxilium, Heartbeat, and TrialCard employees regarding the Testim web redesign, dated August 18, 2011; bearing Bates numbers HEARTBEATS-MDL2545-00009272-77
15	Emails between Heartbeat and TrialCard employees regarding project feedback, dated August 30, 2011; bearing Bates numbers HEARTBEATS-MDL2545-00008887-91
16	Auxilium Organizational Chart, dated October 20, 2009; bearing Bates numbers AUXILIUM MDL CORP 00000419-72
17	Statement of Work between Auxilium and Heartbeat, dated May 3, 2010; bearing Bates numbers HEARTBEATS-MDL2545-00023178-88
18	Declaration of Kristin Kennedy, dated August 28, 2015

I declare under penalty of perjury under the laws of the United States, per 28 U.S.C. 1746, that the foregoing is true and correct, and that this declaration was executed on the 28th day of August 2015, in New York, New York.

Dated: August 28, 2015

/s/ Andrew K. Solow
Andrew K. Solow

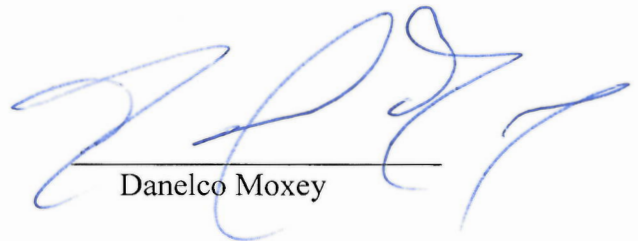
CERTIFICATE OF SERVICE

I certify that on August 28, 2015, a copy of:

1. Auxilium Pharmaceuticals Inc.'s Brief in Opposition to Plaintiffs' Steering Committee's Motion to Compel Privilege Log Information; and
2. Declaration of Andrew K. Solow in Support of Defendant Auxilium Pharmaceuticals, Inc.'s Brief in Opposition of Plaintiffs' Steering Committee's Motion to Compel Privilege Log Information together with all exhibits attached thereto

were served electronically on counsel of record for all parties through the Court's CM/ECF system.

Dated: August 28, 2015



Danelco Moxey